

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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IN RE VALSARTAN, LOSARTAN, AND IRBESARTAN  
PRODUCTS LIABILITY LITIGATION

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MDL No. 2875 (RBK-JS)

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**MTD ORDER 2**

*This Document Relates To All Actions.*  
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KUGLER, United States District Judge:

**THIS MATTER** having come before the Court upon the Manufacturer and Wholesaler Defendants' Motions to Dismiss under Federal Rule of Civil Procedure 12(b)(1);

**IT IS HEREBY ORDERED**, in this MTD Order 2, which is a **partial opinion** to Defendants Motion to Dismiss, that is, the second in a series, and governing herewith **ONLY** the issue of plaintiffs' standing and for the reasons stated in the accompanying MTD Opinion 2 of this date, that:  
the Manufacturer and Wholesaler Defendants' Motions to Dismiss the Economic Loss and Medical Monitoring Master Complaints **for the issue of standing** are **GRANTED ONLY** with respect to:

- (1) Plaintiffs' second theory of economic injury-in-fact because Plaintiffs failed to allege facts from which the injury could be valued;
- (2) the economic loss and medical monitoring class actions because named Plaintiffs have failed to allege the very low threshold of sufficient traceability, that is, by simply asserting facts that trace the injuries through the supply chain of Defendants; and
- (3) Defendants' argument that the named Plaintiffs in the economic loss and medical monitoring class actions cannot raise claims outside of the states where they reside or were injured;

**IT IS FURTHER ORDERED** that Plaintiffs' Economic Loss and Medical Monitoring Complaint be **DISMISSED WITHOUT PREJUDICE ONLY** to the extent and **ONLY** for the reasons articulated above;

**IT IS FURTHER ORDERED that**, should Plaintiffs wish to amend their complaints, they have up to and including 27 January 2021 to do so.

Dated: 12 January 2021

/s Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge